HIGH COURT OF UTTARANCHAL AT NAINITAL.

Criminal Revision No. 658 of 2001
(Old No. 935/1990)

1. Abdul Rahim S/o Abdul Karim
2. Maqsood, S/o Jainuddin
3. Hanif, S/o Jainuddin …….. Revisionists

Vs.

Chandra Shakher Prasad and others …….Respondents

Hon'ble Irshad Hussain, J.

Revisionist No.1 has died and revisionist no.2 & 3 have been served but none appear on their behalf. Heard Sri A. Rab learned Addl. G.A. and perused the record.

This criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') has been preferred against the impugned judgment and order dated 23.3.1990 passed by the then C.J.M. Dehradun, whereby the criminal complaint case no. 1848/1989 was dismissed and the respondents-accused were acquitted of the charge under section 384 IPC.

Having gone through the evidence on record with the help of learned Addl. G.A. it is evidence that there was no reliable evidence to prove beyond doubt that the named accused have extorted money from the revisionists on the pretext of getting the land allotted in their name. The land belong to gramsamaj and it does not appear that the accused could have in any way got the land allotted in the name of the revisionists on receipt of some money. The learned CJM had considered this aspect of the matter in proper perspective and there being no perversity in the appreciation of the evidence on record, the revision lack merit and is dismissed. Consign.

(Irshad Hussain, J.)

Dated 28.5.2004

Rawat